

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA  
Plaintiff

v.

JOSE VALENTIN FABREGAS  
Defendant

**CRIMINAL NO. 05-228(ADC)**

**REPORT AND RECOMMENDATION**

On this date defendant appeared before the undersigned to plea guilty to Count I of the indictment, charging him with violating of 21 U.S.C. § 846. Defendant was represented by attorney Armando Porrata Doria, with whom he stated to be satisfied with his representation. The government, in turn, was represented by AUSA Myriam Fernandez. The parties duly executed consent forms permitting the undersigned to take defendant's plea, pursuant to a non-binding plea agreement, which has been made part of the record.

Upon examining defendant throughout the proceedings, the undersigned finds him competent to enter a plea which is knowing and voluntary. Defendant was advised at the hearing of the minimum and maximum statutory penalties he faces. He was further informed that the sentencing judge is not bound by the advisory Sentencing Guidelines nor plea agreement. More so, once defendant is sentenced, he may not withdraw her plea simply because he is not satisfied with the sentence imposed upon him. The undersigned also advised defendant of the constitutional rights he waives by entering a guilty plea.

Upon inquiry by the Court, defendant accepted all the elements of the offenses outlined in Count I of the indictment, as well as the fact that he acted knowingly, willfully and intentionally at all times relevant to the conduct outlined in said Count.

It is thus recommended by the undersigned that defendant's guilty plea be accepted, and sentence be imposed upon him accordingly.

This report and recommendation is issued pursuant to 28 U.S.C. § 636 and Local Rule 72(d).  
**SO RECOMMENDED.**

In San Juan, Puerto Rico, this 27<sup>th</sup> of June, 2006

*S/Gustavo A. Gelpi*

**GUSTAVO A. GELPI**  
United States Magistrate-Judge